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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/447,496	05/23/95	HARVEY J	5634.121

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EXAMINER	
MOE A	
ART UNIT	**PAPER NUMBER**
2712	17

DATE MAILED: 11/24/98

Please find below and/or attached an Office communication concerning this application or proceeding.

See Attached.

Commissioner of Patents and Trademarks

#17

Office Action Summary	Application No. 08/447,496	Applicant(s) Harvey et al.
	Examiner Aung Moe	Group Art Unit 2712

☒ Responsive to communication(s) filed on *Jun 9, 1997* .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *2-76* is/are pending in the application.

Of the above, claim(s) *21-57 and 74-76* is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *2-20 and 58-73* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

1. This Office Action is responsive to the amendment(s) filed on 6/9/97.

DOUBLE PATENTING V.S. PATENTS

2. After reviewing the restriction requirement in US Patent 5,233,654 it is believed that the claims of the instant application are subject to a double patenting analysis against US Patent 5,233,654 and US Patent 5,335,277.

3. In view of further analysis and applicant's arguments, the rejection of the claims in the instant application under double patenting based on the broad analysis of *In re Schneller* as set forth in paragraphs 7-10 of the previous Office Action has been withdrawn.

DOUBLE PATENTING BETWEEN APPLICATIONS

4. Conflicts exist between claims of the following related co-pending applications which includes the present application:

#	Ser. No.	#	Ser. No.	#	Ser. No.
1	397371	2	397582	3	397636
4	435757	5	435758	6	437044
7	437045	8	437629	9	437635
10	437791	11	437819	12	437864
13	437887	14	437937	15	438011
16	438206	17	438216	18	438659
19	439668	20	439670	21	440657
22	440837	23	441027	24	441033
25	441575	26	441577	27	441701
28	441749	29	441821	30	441880
31	441942	32	441996	33	442165
34	442327	35	442335	36	442369
37	442383	38	442505	39	442507
40	444643	41	444756	42	444757
43	444758	44	444781	45	444786
46	444787	47	444788	48	444887
49	445045	50	445054	51	445290
52	445294	53	445296	54	445328
55	446123	56	446124	57	446429

58	446430	59	446431	60	446432
61	446494	62	446553	63	446579
64	447380	65	447414	66	447415
67	447416	68	447446	69	447447
70	447448	71	447449	72	447496
73	447502	74	447529	75	447611
76	447621	77	447679	78	447711
79	447712	80	447724	81	447726
82	447826	83	447908	84	447938
85	447974	86	447977	87	448099
88	448116	89	448141	90	448143
91	448175	92	448251	93	448309
94	448326	95	448643	96	448644
97	448662	98	448667	99	448794
100	448810	101	448833	102	448915
103	448916	104	448917	105	448976
106	448977	107	448978	108	448979
109	449097	110	449110	111	449248
112	449263	113	449281	114	449291
115	449302	116	449351	117	449369

118	449411	119	449413	120	449523
121	449530	122	449531	123	449532
124	449652	125	449697	126	449702
127	449717	128	449718	129	449798
130	449800	131	449829	132	449867
133	449901	134	450680	135	451203
136	451377	137	451496	138	451746
139	452395	140	458566	141	458699
142	458760	143	459216	144	459217
145	459218	146	459506	147	459507
148	459521	149	459522	150	459788
151	460043	152	460081	153	460085
154	460120	155	460187	156	460240
157	460256	158	460274	159	460387
160	460394	161	460401	162	460556
163	460557	164	460591	165	460592
166	460634	167	460642	168	460668
169	460677	170	460711	171	460713
172	460743	173	460765	174	460766
175	460770	176	460793	177	460817

178	466887	179	466888	180	466890
181	466894	182	467045	183	467904
184	468044	185	468323	186	468324
187	468641	188	468736	189	468994
190	469056	191	469059	192	469078
193	469103	194	469106	195	469107
196	469108	197	469109	198	469355
199	469496	200	469517	201	469612
202	469623	203	469624	204	469626
205	470051	206	470052	207	470053
208	470054	209	470236	210	470447
211	470448	212	470476	213	470570
214	470571	215	471024	216	471191
217	471238	218	471239	219	471240
220	472066	221	472399	222	472462
223	472980	224	473213	225	473224
226	473484	227	473927	228	473996
229	473997	230	473998	231	473999
232	474119	233	474139	234	474145
235	474146	236	474147	237	474496
238	474674	239	474963	240	474964
241	475341	242	475342	243	477547

244	477564	245	477570	246	477660
247	477711	248	477712	249	477805
250	477955	251	478044	252	478107
253	478544	254	478633	255	478767
256	478794	257	478858	258	478864
259	478908	260	479042	261	479215
262	479216	263	479217	264	479374
265	479375	266	479414	267	479523
268	479524	269	479667	270	480059
271	480060	272	480383	273	480392
274	480740	275	481074	276	482573
277	482574	278	482857	279	483054
280	483169	281	483174	282	483269
283	483980	284	484275	285	484276
286	484858	287	484865	288	485282
289	485283	290	485507	291	485775
292	486258	293	486259	294	486265
295	486266	296	486297	297	487155
298	487397	299	487408	300	487410
301	487411	302	487428	303	487506
304	487516	305	487526	306	487536
307	487546	308	487556	309	487565

310	487649	311	487851	312	487895
313	487980	314	487981	315	487982
316	487984	317	488032	318	488058
319	488378	320	488383	321	488436
322	488438	323	488439	324	488619
325	488620	326	498002	327	511491
328	485773				

5. 37 CAR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. The attached Appendix provides clear evidence that such conflicting claims exist between the 328 related co-pending applications identified above. However, an analysis of all claims in the 328 related co-pending applications would be an extreme burden on the Office requiring millions of claim comparisons.

In order to resolve the conflict between applications, applicant is required to either:

(1) file terminal disclaimers in each of the related 328 applications terminally disclaiming each of the other 327 applications, or;

(2) provide an affidavit attesting to the fact that all claims in the 328 applications have been reviewed by applicant and that no conflicting claims exists between the applications. Applicant should provide all relevant factual information including the specific steps taken to insure that no conflicting claims exist between the applications, or;

(3) resolve all conflicts between claims in the above identified 328 applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the above identified 328 applications (note: the five examples in the attached Appendix are merely illustrative of the overall problem. Only correcting the five identified conflicts would not satisfy the requirement).

Failure to comply with the above requirement will result in abandonment of the application.

INFORMATION DISCLOSURE STATEMENTS

6. Receipt is acknowledged of applicant's Information Disclosure Statements filed on April 7, 1997. In view of the unusually large number of references cited in the instant application (approximately 2,200 originally and 645 in the subsequent IDS) and the failure of applicant to point out why such a large number of references is warranted, these references have been considered in accordance with 37 C.F.R. 1.97 and 1.98 to the best ability by the examiner with the time and resources available.

The foreign language references cited therein where there is no statement of relevance or no translation are not in compliance with 37 C.F.R. 1.98 and have not been considered. Numerous references listed in the IDS are subsequent to applicant's latest effective filing date of 9/11/87, therefore, the relevancy of these references is unclear. Also cited are numerous references that are apparently unrelated to the subject matter of the instant invention such as: US Patent # 33,189 directed toward a beehive, GB 1565319 directed toward a chemical compound, a cover sheet with only the word "ZING", a computer printout from a library search with the words

"LST" on it and a page of business cards including that of co-inventor James Cuddihy, among others. The relevancy of these references cannot be ascertained. Furthermore, there are several database search results listed in foreign languages (such as German) which list only the title and document information; no copy has been provided, therefore, these references have not been considered.

CLAIM REJECTIONS - 35 USC § 112

7. Claims 2-18, 58-61, 62-69, and 73 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

37 C.F.R. 1.75(d)(1) requires that:

> **"the terms and the phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description".**

The following limitations were not supported by the specification as originally filed (i.e., '81 specification):

Regarding claim 2, *receiving* some information content and *a first control signal* in said at lest one information transmission, said information content describing one of a service;

generating a benefit datum by processing subscriber data *in response to said first control signal*;

delivering said information content and said *benefit datum* at an output device at said receiver station;

inputting a *subscriber reaction to* at least one of said *delivered information content* and *benefit datum*; and

generating a second control signal that controls said receiver station *based on said inputted subscriber reaction.*

Regarding claim 3, *storing* said subscriber datum at a computer at said receiver station, said subscriber datum being *an investment datum.*

Regarding claim 5, communicating subscriber specific data of a subscriber from a subscriber station of said subscriber to at least one remote stations, said method comprising the steps of:

storing subscriber data of said subscriber; *receiving at said subscriber station at least one instruct signal which is effective to generate a control signal based on a subscriber reaction of said subscriber to one of a recommendation and an offer, each one of said recommendation and said offer containing a receiver specific benefit datum*;

generating, under direction of instructions of said at least one instruct signal, at said subscriber station, said subscriber specific data;

receiving said subscriber reaction to said one of said recommendation and said offer at said subscriber station;

transferring said subscriber specific data from said subscriber station to said at least one remote station based on said step of receiving said subscriber reaction.

Regarding claim 6, (I) one of a broadcast transmitter and a cablecast transmitter for transmitting at least one instruct signal which is to be transmitted by the remote intermediate data transmitter station and is effective at a receiver station to instruct one of a computer or processor;

(ii) a plurality of selective transfer devices each operatively connected to said one of the broadcast transmitter and a cablecast transmitter for communicating data;

(iii) a data receiver for receiving information from at least one origination transmitter of at least one origination transmitter station;

(iv) a control signal detector; and (v) *one of a controller and a computer that is capable of controlling at least one of said selective transfer devices; and said remote transmitter station adapted to detect the presence of at least one transmission control signal, to control the transmission of said at least one instruct signal in response to said at least one transmission control signal, said at least one transmission control signal controlling the transmission of said at least one instruct signal by the remote intermediate data transmitter station, and to deliver at said one of said broadcast transmitter and said cablecast transmitter said at least one instruct signal*, said method of controlling comprising the steps of:

receiving, at said at least one origination transmitter station, said at least one instruct signal; and delivering said at least one instruct signal to said at least one origination transmitter, said at least one instruct signal being effective at said receiver station to generate a second control signal based on a subscriber reaction to one of a recommendation and an offer, each one of said recommendation and said offer containing a receiver specific benefit datum;

receiving, at said remote transmitter station, said at least one transmission control signal one or more control signal; and

transmitting said at least one transmission control signal to said one of said broadcast transmitter and the cablecast transmitter before a specific time.

Regarding claim 7, *at least one instruct signal includes a first instruct signal and said at least one transmission control signal includes a first transmission control signal*, said method further comprising the step of *embedding* said *first transmission control signal* in one of said *first instruct signal and an information transmission containing said first instruct signal before said step of receiving said at least one instruct signal at said remote transmitter station.*

Regarding claim 8, said specific time is *a scheduled time* of transmitting one of said at least one instruct signal and *some information associated with said at least one instruct signal from the remote intermediate data transmitter station and said at least one transmission control signal is effective at said remote intermediate data transmitter station to control at least one of said plurality of selective transfer devices at different times.*

Regarding claim 9, controlling at least one of a plurality of receiver stations each of which includes one of a broadcast and a cablecast receiver, at least one processor, a signal detector, said signal detector adapted to detect signals within one of a broadcast transmission and a cablecast transmission, and said at least *one processor programmed to respond to said signals*, and said method of controlling comprising the steps of:

receiving at one of a broadcast transmitter station and a cablecast transmitter station an *instruct signal which is effective at said at least one of said plurality of receiver stations to generate a first control signal based on a subscriber reaction to one of a recommendation and*

an offer, each one of said recommendation and said offer contains a receiver specific benefit datum; transferring said instruct signal form said transmitter station to a transmitter;

receiving at least one second control signal at said transmitter station, said *second control signal addressing said instruct signal to said processor of said at least one of said plurality of receiver station;* and

transferring said at least one second control signal from said transmitter station to said transmitter, said transmitter station doing one of broadcasting and cablecasting said instruct signal and said at least one second control signals to said at least one of said plurality of receiver stations.

Regarding claim 11, one second control signal identifies two of said plurality of receiver *station asynchronously and each of said two receiver station receive and respond to said instruct signal asynchronously.*

Regarding claims 12-13, wherein *a switch* communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising detecting *a third control signal which is effective at the transmitter station to cause communication; wherein a controller controls a switch to communicate to said transmitter a selected signal, further comprising inputting to said controller the signal which is effective to control said switch.*

Regarding claim 14, *transmitting to a receiver station* at least one datum that designates a *time of transmission of said instruct signal.*

Regarding claim 15, *at least one second control signal* further comprises *downloadable code targeted to said processor of said at least one of said plurality of receiver stations*, said

downloadable code programming the manner in which said processor responds to said instruct signal.

Regarding claim 16, at least one of said plurality of receiver stations *does one of detects the presence of said at least one second control signal and responds to said instruct signal on the basis of a signal location of the signal in an information transmission*, said method further comprising the step of *causing at least some of one of said at last one second control signal or instruct signal to be transmitted in said location.*

Regarding claim 17, *delivery of combined medium programming, for use with an interactive mass medium program output* apparatus comprising the steps of:

outputting a mass medium program that presents one of a recommendation and an offer, each of said *recommendation and said offer containing a receiver specific benefit datum*, said interactive mass medium program output apparatus having an input device to receive input from a subscriber;

prompting said subscriber during said step of outputting said mass medium program for input in respect of said recommendation and said offer, said interactive mass medium program output apparatus having an output device for outputting said combined medium programming;

receiving said input form said subscriber at said input device in response to said step of *prompting said subscriber, said interactive mass medium program output apparatus having a transmitter for communicating said input to a remote site*;

communicating said input to said remote site, said interactive mass medium output apparatus and said remote site comprising a network having a plurality of transmitter stations;

doing one of generating and assembling, in said network, a message which is effective at said interactive mass medium program output apparatus to generate a control signal based on said input, said interactive mass medium program output apparatus having a receiver for receiving a signal form said remote site;

delivering specific combined medium programming at said output device on the basis of said message.

Regarding claims 19-20, each one of said *recommendation and said offer is transmitted* from a transmitter *to said subscriber station and specific to said transmitter*; and wherein each one of said *recommendation and said offer is transmitted* to said subscriber station in one of a broadcast transmission and a cablecast transmission and is specific to said one of said broadcast transmission and said cablecast transmission .

Regarding claim 18, processing signals at a receiver station based on one of at least one broadcast transmission and at least one cablecast transmission, the method comprising the steps of

receiving a first control signals and one of video and audio in said transmissions;

generating information by processing subscriber data in response to said first control signal;

delivering said one of video and audio at an output device at said receiver station;

inputting a subscriber response to said delivered one of video and audio;

generating a second control signal based on said inputted subscriber response and said generated information; and

controlling said receiver station in accordance with said second control signal.

Regarding claims 58-59 and 61, the step of storing the subscriber datum at a computer at the receiver station, and the subscriber datum being *a financial datum*, an *income datum* and *interest datum*.

Regarding claim 60, "the step of storing said subscriber datum at a computer at said receiver station, said *subscriber datum being a taste preference datum*".

Regarding claim 62, *a switch* communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising

determining a specific signal source from which to communicate at least one of said instruct signal and said at least one second control signal to said transmitter.

Regarding claim 63, *a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder*, and said transmitter, said method further comprising controlling said switch to *communicate at least one of said instruct signals and said at least one second control signal to said transmitter in response to a third control signal which is effective at the transmitter station to instruct communication.*

Regarding claim 64, *a switch* communicates signals *selectively between a transmitter station receiver and one of a memory and a recorder*, and said transmitter, said method further comprising controlling said *switch to communicate at least one of said instruct signal and said at least one second control signal from a selected signal source.*

Regarding claim 65, *a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder*, and said transmitter, said method further

comprising controlling said switch to communicate to *said one of said memory and said recorder at least one of said instruct signal and said at least one second control signal.*

Regarding claim 66, *a controller controls a switch to communicate to said transmitter a selected signal*, further comprising inputting to said controller *a third control signal which is effective to control said switch.*

Regarding claim 67, *a controller controls a switch to communicate to said transmitter a selected signal*, further comprising controlling said switch to communicate at least one of said *instruct signal and said at least one second control signal according to a transmission schedule.*

Regarding claim 68, *a controller controls a switch to communicate to said transmitter a selected signal*, further comprising controlling said switch to communicate at least one of said *instruct signal and said at least one second control signal from a specific one of a plurality of signal sources.*

Regarding claim 69, *a controller controls a switch to communicate to said transmitter a selected signal*, further comprising controlling said switch to communicate *at least one of said instruct signal and said at least one second control signal to a selected one of a plurality of transmitters.*

Regarding claim 73, transmitting to a receiver station *a third control signal to cause said receiver station to tune to one of a broadcast transmission and a cablecast transmission containing said instruct signal.*

8. Claims 4, 6-8, 9-16, 18 and 62-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 4, it is unclear how "control signal" recited in line 2 relates to "first control signal" and "second control signal" as recited in claim 2. For the purpose of examination, the examiner is broadly interpreting the "control signal" as cited in claim 2.

In Claim 6, it is unclear how "remote transmitter station" recited in line 13 relates to "a remote intermediate data transmitter station" as recited in lines 1-2.

In Claim 9, it is unclear how "said signals" recited in line 6 relates to other "signals" such that "detect signals" as recited in 4.

In Claim 12, it is unclear how "a transmitter station" recited in line 2 relates to other "broadcast/cablecast transmitter station" as previously cited.

In Claim 18, it is unclear how "said transmission" recited in line 5 relates to "at least one broadcast transmission and at least one cable cast transmission" as cited in the preamble.

CLAIM REJECTIONS - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

10. Claims 2-4, 58-59, 60-61, 6-17 and 62-73 are rejected under 35 U.S.C. § 102(e) as being anticipated by Campbell et al. (US 4,536,791).

Regarding claim 2, Campbell '791 discloses a method of processing signals at a receiver station (11) based on at least one information transmission, the method comprising the steps of

receiving some information content (text sources, Fig. 1) and a first control signal (i.e., the selective transmission of control signal from the plurality of HVP units 52, 53 to the subscriber station 40; also see a control sources as shown in Fig. 1) in said at lest one information transmission, said information content describing one of a service (array of programming choices and other services, such as shopping, weather, news, stock and banking, col. 1, lines 20-30, col. 5, lines 5-10);

generating a benefit datum (such as stock datum) by processing subscriber data in response to said first control signal (i.e., col. 1, line 55- col. 2, line 68, col. 5, lines 5-10);

delivering said information content and said benefit datum at an output device at said receiver station (i.e., Fig. 2, element 20, col. 5, lines 1-68);

inputting a subscriber reaction to at least one of said delivered information content and benefit datum (Figs. 10 & 15, col. 17, lines 65-68); and

generating a second control signal that controls said receiver station based on said inputted subscriber reaction (i.e., transmitting program identification signals, tier signals and

eligibility code signals from HVP based on the inputted subscriber reaction or request; see col. 5, lines 20-35; col. 17, lines 20-68; also see Fig. 15, elements 502 and 500).

Regarding claim 3, Campbell '791 further discloses comprising the step of storing said subscriber datum at a computer (50) at said receiver station, said subscriber datum being an investment datum (stock, col. 5, lines 5-50).

Regarding claim 4, Campbell '791 discloses further comprising the step of programming said computer to respond to said control signal (col. 4, lines 64-68, col. 5, lines 1-50).

Regarding claims 58-59 and 61, Campbell '791 discloses the step of storing the subscriber datum at a computer at the receiver station, and the subscriber datum being a financial datum, an income datum and interest datum (i.e., col. 1, lines 55-68, col. 5, line 5 - col. 6, line 68; col. 7, lines 15-68).

Regarding claim 60, Campbell '791 discloses wherein the step of storing said subscriber datum at a computer at said receiver station, said subscriber datum being a taste preference datum (Col. 5, line 5 - Col. 6, lines 68, col. 17-18, lines 1-68).

Regarding claim 6, Campbell '791 discloses a method of controlling a remote intermediate data transmitter station (11) to communicate data to at least one receiver station (40), with said remote transmitter station including:

(I) one of a broadcast transmitter and a cablecast transmitter for transmitting at least one instruct signal which is to be transmitted by the remote intermediate data transmitter station and is effective at a receiver station to instruct one of a computer or processor (104);

(ii) a plurality of selective transfer devices (52 & 53) each operatively connected to said one of the broadcast transmitter and a cablecast transmitter (20) for communicating data;

(iii) a data receiver (12, 100) for receiving information from at least one origination transmitter of at least one origination transmitter station;

(iv) a control signal detector (112); and

(v) one of a controller and a computer that is capable of controlling at least one of said selective transfer devices (12); and said remote transmitter station adapted to detect the presence of at least one transmission control signal, to control the transmission of said at least one instruct signal in response to said at least one transmission control signal, said at least one transmission control signal controlling the transmission of said at least one instruct signal by the remote intermediate data transmitter station, and to deliver at said one of said broadcast transmitter and said cablecast transmitter said at least one instruct signal (col. 5, lines 1-25), said method of controlling comprising the steps of:

receiving, at said at least one origination transmitter station, said at least one instruct signal; and delivering said at least one instruct signal to said at least one origination transmitter (12) (Fig. 4, col. 7, lines 40-55), said at least one instruct signal being effective at said receiver station (40) to generate a second control signal based on a subscriber reaction to one of a recommendation and an offer, each one of said recommendation and said offer containing a receiver specific benefit datum (Fig. 6, col. 8, lines 45-68, col. 12, lines 2-26; col. 17-18, lines 1-68);

receiving, at said remote transmitter station (i.e., 16, 20), said at least one transmission control signal one or more control signal; and

transmitting said at lest one transmission control signal to said one of said broadcast transmitter and the cablecast transmitter before a specific time (Figs. 2 & 15, col. 18, lines 50-68, col. 19, lines 1-16).

Regarding claim 7, Campbell '791 discloses wherein said at least one instruct signal includes a first instruct signal and said at least one transmission control signal includes a first transmission control signal, said method further comprising the step of embedding said first transmission control signal in one of said first instruct signal and an information transmission containing said first instruct signal before said step of receiving said at least one instruct signal at said remote transmitter station (Fig. 2, elements 50 and 52; col. 5-6, lines 1-68).

Regarding claim 8, Campbell '791 discloses wherein said specific time is a scheduled time of transmitting one of said at least one instruct signal and some information associated with said at least one instruct signal from the remote intermediate data transmitter station and said at least one transmission control signal is effective at said remote intermediate data transmitter station to control at least one of said plurality of selective transfer devices at different times (Figs. 11 & 14, col. 15, lines 15-50, col. 19, lines 1-45).

Regarding claim 9, Campbell '791 discloses a method of controlling at least one of a plurality of receiver stations (40) each of which includes one of a broadcast and a cablecast receiver, at least one processor (104), a signal detector, said signal detector adapted to detect signals within one of a broadcast transmission and a cablecast transmission (Fig. 6, element 112; col. 7-8, lines 1-68), and said at least one processor programmed to respond to said signals (Fig. 7, col. 9, lines 60-68), and said method of controlling comprising the steps of:

receiving at one of a broadcast transmitter station and a cablecast transmitter station (11, Fig. 2) an instruct signal which is effective at said at least one of said plurality of receiver stations (40) to generate a first control signal (i.e., subscriber request) based on a subscriber reaction to one of a recommendation and an offer, each one of said recommendation and said offer contains a receiver specific benefit datum (i.e., such as stock; see Col. 17-18, lines 1-68);

transferring said instruct signal form said transmitter station to a transmitter (Fig. 2, elements 12, 16, 20);

receiving at least one second control signal (i.e., responses to subscribers requests) at said transmitter station, said second control signal addressing said instruct signal to said processor of said at least one of said plurality of receiver station (col. 10, lines 1-35; Col. 17-18, lines 1-68); and

transferring said at least one second control signal from said transmitter station to said transmitter, said transmitter station (11) doing one of broadcasting and cablecasting said instruct signal and said at least one second control signals to said at least one of said plurality of receiver stations (40)(Fig. 2, col. 4, lines 24-49).

Regarding claim 10, Campbell '791 discloses wherein said at least one said instruct signal and said second control signal is embedded in the non-visible portion of a television signal (Fig. 2B, col. 5-6, lines 1-68, col. 9, lines 1-14).

Regarding claim 11, Campbell '791 discloses wherein said at least one second control signal identifies two of said plurality of receiver station asynchronously and each of said two receiver station receive and respond to said instruct signal asynchronously (col. 12, lines 1-26).

Regarding claims 12-13, Campbell '791 discloses wherein a switch communicates signals selectively between a transmitter station receiver and one of a memory (524) and a recorder, and said transmitter (16), said method further comprising detecting a third control signal (i.e., scramble/descrambel signal) which is effective at the transmitter station (i.e., 12, 16, 20) to cause communication; wherein a controller (12, 500) controls a switch to communicate to said transmitter a selected signal, further comprising inputting to said controller the signal which is effective to control said switch (Figs. 1-2 & 15, elements 12, 16, 50, 52-53, 500, 502, col. 7-8, lines 1-68; col. 9, line 15 - col. 10, lines 65; col. 19, lines 56-68, col. 20, lines 1-59).

Regarding claim 14, Campbell '791 discloses further comprising transmitting to a receiver station at least one datum that designates a time of transmission of said instruct signal (col. 12, lines 1-68; col. 15, lines 15-50, col. 16, lines 48-60).

Regarding claim 15, Campbell '791 discloses wherein said at least one second control signal further comprises downloadable code targeted to said processor of said at least one of said plurality of receiver stations (40), said downloadable code programming the manner in which said processor (104) responds to said instruct signal (Fig. 7, col. 9, lines 60-68, col. 10, lines 1-36, col. 11, lines 55-65, col. 12, lines 1-26).

Regarding claim 16, Campbell '791 discloses wherein said at least one of said plurality of receiver stations does one of detects the presence of said at least one second control signal and responds to said instruct signal on the basis of a signal location of the signal in an information transmission, said method further comprising the step of causing at least some of one of said at last one second control signal or instruct signal to be transmitted in said location (Figs. 6 & 11, elements 112 & 134, col. 11-12, lines 1-68, col. 16, lines 1-60).

Regarding claim 62, Campbell '791 discloses wherein a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising

determining a specific signal source from which to communicate at least one of said instruct signal and said at least one second control signal to said transmitter (see Figs. 1-5, col. 5, lines 1-68; col. 7, line 30 - col. 8, line 45; col. 17-18, lines 1-68).

Regarding claim 63, Campbell '791 discloses wherein a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising controlling said switch to communicate at least one of said instruct signals and said at least one second control signal to said transmitter in response to a third control signal which is effective at the transmitter station to instruct communication (see Figs. 1-5, col. 5, lines 1-68; col. 7, line 30 - col. 8, line 45; col. 17-18, lines 1-68).

Regarding claim 64, Campbell '791 discloses wherein a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising controlling said switch to communicate at least one of said instruct signal and said at least one second control signal from a selected signal source (see Figs. 1-5, & 15-16; col. 5, lines 1-68; col. 7, line 30 - col. 8, line 45; col. 17-18, lines 1-68).

Regarding claim 65, Campbell '791 discloses wherein a switch communicates signals selectively between a transmitter station receiver and one of a memory and a recorder, and said transmitter, said method further comprising controlling said switch to communicate to said one of said memory and said recorder at least one of said instruct signal and said at least one second

control signal (see Figs. 1-5, & 15-16; col. 5, lines 1-68; col. 7, line 30 - col. 8, line 45; col. 17-18, lines 1-68).

Regarding claim 66, Campbell '791 discloses wherein a controller controls a switch to communicate to said transmitter a selected signal, further comprising inputting to said controller a third control signal which is effective to control said switch (Figs. 1-5, col. 7, line 30 - col. 8, line 45).

Regarding claim 67, Campbell '791 discloses wherein a controller controls a switch to communicate to said transmitter a selected signal, further comprising controlling said switch to communicate at least one of said instruct signal and said at least one second control signal according to a transmission schedule (Figs. 1-5, col. 7, line 30 - col. 8, line 45; col. 12, lines 1-68; col. 15, lines 1-68).

Regarding claim 68, Campbell '791 discloses wherein a controller controls a switch to communicate to said transmitter a selected signal, further comprising controlling said switch to communicate at least one of said instruct signal and said at least one second control signal from a specific one of a plurality of signal sources (Figs. 1-5, col. 7, line 30 - col. 8, line 45; col. 12, lines 1-68; col. 15, lines 1-68; col. 17, lines 1-68).

Regarding claim 69, Campbell '791 discloses wherein a controller controls a switch to communicate to said transmitter a selected signal, further comprising controlling said switch to communicate at least one of said instruct signal and said at least one second control signal to a selected one of a plurality of transmitters (Figs. 1-5, col. 7, line 30 - col. 8, line 45; col. 12, lines 1-68; col. 15, lines 1-68; col. 17, lines 1-68).

Regarding claim 70, Campbell '791 discloses wherein transmitting to a receiver station at least one datum that designates a channel of transmission of said instruct signal (Col. 17-18, lines 1-68).

Regarding claim 71, Campbell '791 discloses wherein transmitting to a receiver station at least one datum that specifies the title of one of data and mass medium programming, said data and mass medium programming being associated with said instruct signal (Col. 17-18, lines 1-68).

Regarding claim 72, Campbell '791 discloses wherein transmitting to a receiver station at least one datum that specifies some subject matter contained in one of data and mass medium programming, said data and mass medium programming being associated with said instruct signal (Col. 12, lines 1-68; Col. 17-18, lines 1-68).

Regarding claim 73, Campbell '791 discloses wherein transmitting to a receiver station a third control signal to cause said receiver station to tune to one of a broadcast transmission and a cablecast transmission containing said instruct signal (col. 10, lines 1-68; col. 12, lines 1-68).

Regarding claim 17, Campbell '791 discloses an interactive method for delivery of combined medium programming, for use with an interactive mass medium program output apparatus (See abstract) comprising the steps of:

outputting a mass medium program that presents one of a recommendation and an offer, each of said recommendation and said offer containing a receiver specific benefit datum, said interactive mass medium program output apparatus having an input device to receive input from a subscriber (Figs. 2 & 15, col. 1, lines 55-68, col. 22, lines 55-68);

prompting said subscriber during said step of outputting said mass medium program for input in respect of said recommendation and said offer, said interactive mass medium program

output apparatus (11) having an output device (20) for outputting said combined medium programming (col. 16, lines 48-60);

receiving said input form said subscriber at said input device in response to said step of prompting said subscriber (col. 17, lines 20-68), said interactive mass medium program output apparatus having a transmitter for communicating said input to a remote site (40)(col. 8, lines 35-45, col. 10, lines 50-64);

communicating said input to said remote site (40), said interactive mass medium output apparatus (11) and said remote site (40) comprising a network having a plurality of transmitter stations (52, 53)(Figs. 2, 6 & 15, col. 6, lines 5-30);

doing one of generating and assembling, in said network, a message which is effective at said interactive mass medium program output apparatus (11) to generate a control signal based on said input (col. 17, lines 20-50), said interactive mass medium program output apparatus having a receiver for receiving a signal form said remote site;

delivering specific combined medium programming at said output device on the basis of said message (Fig. 11, col. 13, lines 1-68).

11. Claims 5, 19 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Saeki et al. (US 4,455,570).

Regarding claim 5, Saeki '570 discloses a method of communicating subscriber specific data of a subscriber from a subscriber station of said subscriber to at least one remote stations (1), said method comprising the steps of:

storing subscriber data of said subscriber (Fig. 2A-2B, col. 2, lines 1-68);

receiving at said subscriber station at least one instruct signal which is effective to generate a control signal based on a subscriber reaction of said subscriber to one of a recommendation and an offer, each one of said recommendation and said offer containing a receiver specific benefit datum (Figs. 4-8, col. 7, lines 29-55);

generating, under direction of instructions of said at least one instruct signal, at said subscriber station, said subscriber specific data (col. 7, lines 1-68);

receiving said subscriber reaction to said one of said recommendation and said offer at said subscriber station (a plurality of pictures are output based on the viewer requests, col. 6, lines 5-28);

transferring said subscriber specific data from said subscriber station to said at least one remote station based on said step of receiving said subscriber reaction (col. 2, lines 5-68; col. 6, lines 5-55).

Regarding claims 19-20, Saeki '570 discloses wherein each one of said recommendation and said offer is transmitted from a transmitter to said subscriber station and specific to said transmitter; and wherein each one of said recommendation and said offer is transmitted to said subscriber station in one of a broadcast transmission and a cablecast transmission and is specific to said one of said broadcast transmission and said cablecast transmission (Figs. 4-8; col. 1, line 50 - col. 2, lines 68).

12. Claim 18 is rejected under 35 U.S.C. § 102(b) as being anticipated by Block et al. (US 4,225,884).

Regarding claim 18, Block et al. discloses a method of processing signals at a receiver station based on one of at least one broadcast transmission and at least one cablecast transmission, the method comprising the steps of :

receiving a first control signals(ACC) and one of video (SVID) and audio (SAUID) in said transmissions (Fig. 4, col. 3, lines 25-39);

generating information by processing subscriber data in response to said first control signal(RSC)(Fig. 4, element 26);

delivering said one of video and audio at an output device at said receiver station (Fig. 4, elements 60 & 62);

inputting a subscriber response to said delivered one of video and audio (Fig. 4, elements 26 & 32);

generating a second control signal (RSC) based on said inputted subscriber response and said generated information; and

controlling said receiver station in accordance with said second control signal (Fig. 4, elements 26 & 32, col. 7, lines 25-65).

Election/Restriction

13. Newly submitted claims 21-27, 74, 28-31, 75, 32-57 and 76 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

In claims 21-27 and 74, It is noted that these claims have distinct inventive steps which are different from the originally presented claims 2-18, for example, at least one of an independent Claim 21 called for a method of delivering a receiver specific recommendation at a video receiver station including the steps of **receiving** at least one information transmission at said video receiver station . . .; **storing** at least some of said generally applicable information . . .; **outputting** said video at a video monitor; **selecting** at least one receiver . . .; **outputting** said selected at least one receiver . . .; and producing said some of . . .

Also for claims 28-31 and 75, it is noted that these claims have different inventive steps which are different from the originally presented claims 2-18, for example, at least one of an independent Claim 28 called for a method of delivering a receiver specific recommendation to a graphic receiver station including the steps of **receiving** at least one information transmission at said . . .; **storing** at least some of said generally applicable . . .; **outputting** said at least some of . . .; **selecting** at least one receiver specific benefit . . .; **outputting** said selected at least one receiver specific . . .; **outputting** said some of said receiver specific recommendation at said graphic . . .

In claims 32-57 and 76, it is noted that these claims have different inventive steps which are different from the originally presented claims 2-18, for example, at least one of an independent Claim 32 called for a method of making a recommendation at an ultimate receiver station, said

ultimate receiver station including a television receiver, a detector, a computer, and a television monitor, said method comprising the steps of:

receiving at least one information transmission from at least one remote television transmitter station. . . ;

selecting and delivering said contiguous . . .;

detecting said first data before a time period during which . . .;

computing second data by processing one or more of said first data in said time . . .;

communicating at least a portion of said only some of said benefit information. . .;

outputting said at least a portion of said only some of said benefit . . .

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-57 and 74-76 are withdrawn from consideration as being directed to a non-elected invention. See 37 CAR 1.142(b) and MPEP § 821.03.

Response to Arguments

14. Applicants' argument filed on June 9, 1997 have been fully considered but they are not persuasive.

With respect to the 112/1st paragraph rejection, it is noted that applicants relies solely on the '87 specification for the support for the present claimed invention, however, the instant application calmed the effective filing data of '81 specification (i.e., 06/317,510), thus, it raises question whether the disclosure of '81 specification supports every possible limitations as cited in

the present claimed invention. Further, it is noted that applicant has responded with support for various separate portions of the '87 specification, however, these distinct portions lack a singular cohesiveness which allow one of ordinary skill in the art to determine how to make and/or used the claimed invention, and thus, the remarks are deemed unpersuasive.

With respect to double patenting rejections, "Applicants' argument have been reviewed, but the administrative requirement as set forth in the previous Office Action is maintained."

In page 40, the Applicants argue that Campbell '791 fails to discloses that "the almost limitless range of data, including stock market reports."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "almost limitless range of data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the "a benefit datum", Campbell '791 does in fact show this limitation, and Applicants' attention is directed to col. 1, lines 60-68. the Applicants further argue that Campbell '791 fails to disclose ever element of claim 2. The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791 and the Examiner believes that the explanations of how the limitation of claims 2-5 and 58-61 broadly read on Campbell '791 are adequately set forth in the Examiner's comment as cited above.

In page 43, the Applicants argue that "Neither of these transmissions received by the signal combiner 20 is discloses by Campbell '791 to be effective at a receiver station to generate a

control signal based on a subscriber reaction to a recommendation or an offer. Accordingly, Campbell '791 fails to meet the limitations of step (2) of claim 6."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. The limitations of step (2) of claim 6 broadly read on the col. 7, lines 30-68, col. 8, lines 45-68, col. 12, lines 2-26 and col. 17-18, lines 1-68 of Campbell '791.

In page 44, the Applicants argue that "Campbell '791 fails to discloses "at least one instruct signal that had been delivered to at least one origination transmitter is effective at a receiver station to generate a second control signal based on a subscriber reaction to a recommendation or an offer."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. The above mentioned claimed limitations broadly read on col. 8, lines 45-68, col. 12, lines 2-26 and col. 17-18, lines 1-68 of Campbell '791 and also see the Examiner's comments with respect to claim 6 above.

In pages 45-46, the Applicants argue that "Campbell '791 does not disclose that the input from the control sources, text sources, program sources, local operator, and remote computer are in any way effective at the addressable converter 40 to generate a control signal based on a subscriber reaction."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. The above mentioned claimed limitations broadly read on col. 8, lines 45-68, col. 12, lines 2-26 and col. 17-18, lines 1-68 of Campbell '791 and also see the Examiner's comments with respect to claim 9 above.

Further, the Applicants argue that "Campbell '791 fails to disclose the outputting of a mass medium program that presents a recommendation or offer that contains a receiver specific benefit datum."

The Examiner disagrees because these limitations are broadly read on the col. 17-18, lines 1-68 of Campbell '791.

In page 47, the Applicants argue that "Campbell '791 does not disclose that any of this input addresses an instruct signal, which meets the limitation of Claim 9 and further fails to show every element of Claim 9."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. Applicants' attention is directed to col. 8, lines 45-68, col. 12, lines 2-26 and col. 17-18, lines 1-68 of Campbell '791. Examiner believes that the explanations of how the limitation of claim 9 read on Campbell '791 is adequately set forth in the Examiner's comment as cited above.

In page 48, the Applicants argue that "Campbell '791 does not anticipate claim 11 since it fails to discloses ever element of the claimed invention."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. It is clear that system of Campbell '791 does in fact show two-way interactive data communications system where at least one of the plurality of receivers stations may be received such as special events by placing an order in advance (see col. 11-12, lines 1-68), this implies that at least some control signal has to identified the request of the plurality of receiver stations asynchronously because it is clearly possible that the subscriber in different receiver may be order/request in different time interval.

With respect to claim 17, the Applicants argue that "Campbell '791 does not disclose that the prompted input is in respect of datum that is of or pertains to a benefit for a specific receiver."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Campbell '791. Applicants indicated (in page 36) that "prompting" in claim 17 per its ordinary use to mean "encouraging" or "soliciting" or "initiating", thus, Campbell '791 does in fact show that the prompted input is in respect of datum that is of or pertains to a benefit for a specific receiver during the process of providing two-way interactive functions such that the stock market quations, continually-updated new stories, shopping information, pay-per-view premium information, response/opinion polling feature. Applicants' attention is further directed to col. 17-18, lines 1-68.

Furthermore, the Applicants argue that "Campbell '791 fails to show the step of delivering combined medium programming as disclosed and claimed by Applicants'."

The Examiner disagrees because "combined medium programming" as claimed by Applicant does in fact broadly read on the "pay-per-view programming" of Campbell '791, because the "pay-per-view programming" of Campbell '791 is a combination of video and audio signals.

With respect to Claim 5, the Applicants argue that " Saeki '570 fails to meet the limitation of receiving at the subscriber station instruct signals which are effective to generate a control signal based on a subscriber specific reaction of the subscriber to a recommendation or an offer; and generating subscriber specific data of the subscriber at the subscriber station, the generating at the subscriber station directed by instructions form the instruct signals."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Saeki '570. Furthermore, the Applicant's attention is directed to col. 2, lines 1-68, col. 7-8, lines 1-68, and Figs. 4-8.

With respect to claim 18, the Applicants argue that "Block '884 fails to disclose that the ACC signal is received in broadcast or cablecast transmissions."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Block '884 because Claim 18 does not explicitly claimed that "the first control signal (ACC) in broadcast or cablecast transmissions." Claim 18 broadly claimed that "receiving the first control signal (ACC of Block '884) and one of video and audio in the transmission." Therefore, the ACC signal of Block '884 does in fact read on the broadly claimed present invention as discussed in Examiner's comment above.

Further, the Applicants argue that "Block '884 fails to disclose that the received scramble code (RSC) serves as the basis for processing data that pertains to a subscriber in order to generate information."

The Examiner disagrees because the broadest interpretation of the present claimed invention does in fact read on Block '884 because Claim 18 broadly claimed "the step of generating a second control signal (i.e., RSC signals of Block '884) based on said inputted subscriber response and said generated information; and controlling said receiver station in accordance with said second control signal." The Applicants' attention is further directed to Figs. 1-4, elements 26 & 32, and col. 7, lines 1-68 of Block '884.

Moreover, the Applicants argue that "Block '884 fails to discloses that the received scramble code (RCS) is in broadcast or cablecast transmissions." The Examiner disagrees because

Claim 18 does not explicitly claims where "a second control signal" is in broadcast or cablecast transmissions. Furthermore, it is clearly form Figs. 1-4 of the Block '884 that the RCS control signal is part of signals processing at a receiver station based on one of at least one broadcast or cablecast transmission. Applicant's attention is further directed to col. 1, lines 15-68, col. 4, lines 1-68, col. 6, line 60 - col. 7, lines 25.

In view of above, Claims 1-18 are anticipated by Campbell '791, Saeki '570 and Block '884 for at least the reasons discussed above.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or Faxed to:

(703) 308-9051, (for formal communications; please mark "**EXPEDITED PROCEDURE**")

Or

(703) 308-5399 (for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is (703) 306-3021. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Faile**, can be reach on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A. Moe

November 18, 1998

Andrew Faile

ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700

APPENDIX

(Examples of Claim Conflicts between Applications)

Comparison of claim 12 from Serial No. 08/469,626 to claim 24 from Serial No. 08/487,980.

Claim 12	Claim 24
A method of controlling a remote intermediate mass medium programming transmitter station to communicate mass medium program material to one or more receiver stations, with said remote transmitter station including a broadcast or cablecast transmitter for transmitting one or more units of mass medium programming, a plurality of selective transmission devices each operatively connected to said broadcast or cablecast transmitter for communicating a unit of mass medium programming, a mass medium programming receiver, a control signal detector, and a controller or computer capable of controlling one or more of said selective transmission devices, and with said remote transmitter station adapted to detect the presence of one or more control signals, to control the communication of specific units of mass medium programming in response to detected specific	A method of controlling a remote intermediate mass medium programming transmitter station to communicate mass medium program material to one or more receiver stations, with said remote transmitter station including a broadcast or cablecast transmitter for transmitting one or more units of mass medium programming, a plurality of selective transmission devices each operatively connected to said broadcast or cablecast transmitter for communicating a unit of mass medium programming, a mass medium programming receiver, a control signal detector, and a controller or computer capable of controlling one or more of said selective transmission devices, and with said remote transmitter station adapted to detect the presence of one or more control signals, to control the communication of specific units of mass medium programming in response to detected specific

control signals, and to deliver at its broadcast or cablecast transmitter one or more units of mass medium program, said method of communicating comprising the steps of:

(1) receiving a unit of mass medium programming to be transmitted by the remote intermediate mass medium programming transmitter station and delivering said unit of mass medium programming to a transmitter, said unit of mass medium programming having an instruct signal which is effective at the one or more receiver stations to ***control a sequence of events***;

(2) receiving one or more control signals which at the remote intermediate mass medium programming transmitter station operate to control the communication of said unit of mass medium programming; and

(3) transmitting said one or more control signals to said

control signals, and to deliver at its broadcast or cablecast transmitter one or more units of mass medium program, said method of communicating comprising the steps of:

(1) receiving a unit of mass medium programming to be transmitted by the remote intermediate mass medium programming transmitter station and delivering said unit of mass medium programming to a transmitter, said unit of mass medium programming having an instruct signal which is effective at the one or more receiver stations to ***decode a portion of a multichannel broadcast or cablecast transmission***;

(2) receiving one or more control signals which at the remote intermediate mass medium programming transmitter station operate to control the communication of said unit of mass medium programming; and

(3) transmitting said one or more control signals to said

transmitter before a specific time.

transmitter before a specific time.

Comparison of claim 24 from Serial No. 08/488,620 to claim 23 from Serial No. 08/477,660.

Claim 24	Claim 23
A method of controlling a computer to communicate a television signal in a television network, said network ***having*** a television transmitter station and a television receiver station, said receiver station having a computer for communicating of television signals, said method comprising the steps of:	A method of controlling a computer to communicate a television signal in a television network, said network ***comprised of*** a television transmitter station and a television receiver station, said receiver station having a computer for communicating of television signals, said method comprising the steps of:
programming ***said receiver station*** to search for data embedded in a television signal;	programming ***a processor*** to search for data embedded in a television signal;
inputting an identifier code that designates a unit of computer software;	inputting an identifier code that designates a unit of computer software;
storing a television signal on a file storage medium at a storage device associated with said computer;	storing a television signal on a file storage medium at a storage device associated with said computer;
receiving from a remote source an information transmission that contains a control signal;	receiving from a remote source an information transmission that contains a control signal;

selecting a storage location associated with said computer in response to said control signal;

transferring said unit of computer software to said storage device;

storing said unit of software on said file storage medium;

executing a technique for communicating a file stored on a disk associated with a computer; and

communicating said television signal in accordance with said technique.

selecting a storage location associated with said computer in response to said control signal;

transferring said unit of computer software to said storage device ***and***

storing said unit of software on said file storage medium,

thereby to enable said computer to execute a technique for communication a file stored on a disk associated with a computer and

communicate said television signal in accordance with said technique.

Comparison of claim 23 from Serial No. 08/488,032 to claim 58 from Serial No. 08/451,746.

Claim 23	Claim 58
A method of communicating subscriber station information from a subscriber station to one or more remote data collection stations, said method comprising the steps of:	A method of communicating subscriber station information from a subscriber station to one or more remote data collection stations, said method comprising the steps of:
(1) inputting a viewer's or participant's reaction at a subscriber station;	(1) inputting a viewer's or participant's reaction at a subscriber station;
(2) receiving at said subscriber station information that designates an instruct signal to process or an output to deliver in consequence of subscriber input;	(2) receiving at said subscriber station information that designates an instruct signal to process or an output to deliver in consequence of ***said specific*** subscriber input;
(3) determining the presence of said subscriber input at said subscriber station by processing said viewer's or participant's reaction;	(3) determining the presence of said ***specific*** subscriber input at said subscriber station by processing said viewer's or participant's reaction;
(4) processing an instruct signal which is effective to ***coordinate data processing with communication or presentation of*** television programming at said	(4) processing an instruct signal which is effective to ***receive, generate, or present output to supplement*** television

subscriber station in consequence of said step of determining; and

(5) transferring from said subscriber station to one or more remote data collection stations an indicia confirming delivery of said instruct signal from said step of processing or confirming delivery of said effect from said step of processing.

programming at said subscriber station in consequence of said step of determining; and

(5) transferring from said subscriber station to one or more remote data collection stations an indicia confirming delivery of said instruct signal from said step of processing or confirming delivery of said effect from said step of processing.

Comparison of claim 47 from Serial No. 08/469,106 to claim 46 from Serial No. 08/487,649.

Claim 47	Claim 46
A method of controlling at least one of a plurality of receiver stations each of which includes a broadcast or cablecast mass medium program receiver, at least one output device, a control signal detector, at least one processor capable of responding to an instruct signal, and with each said mass medium program receiver station adapted to detect and respond to one or more instruct signals, said method of communicating comprising the steps of:	A method of controlling at least one of a plurality of receiver stations each of which includes a broadcast or cablecast mass medium program receiver, at least one output device, a control signal detector, at least one processor capable of responding to an instruct signal, and with each said mass medium program receiver station adapted to detect and respond to one or more instruct signals, said method of communicating comprising the steps of:
(1) receiving at a broadcast or cablecast transmitter station an instruct signal which is effective at the receiver station to ***implement a scheme for generating a control signal*** and delivering the instruct signal to a transmitter;	(1) receiving at a broadcast or cablecast transmitter station an instruct signal which is effective at the receiver station to ***select a broadcast or cablecast signalling scheme and generate a signal in consequence of said selected broadcast or cablecast signalling scheme*** and delivering the instruct signal to a transmitter;
(2) receiving at said transmitter station one or more	(2) receiving at said

control signals which at the receiver station operate to communicate the instruct signal to a specific processor; and

(3) transferring said one or more control signals to the transmitter, said transmitter transmitting the instruct signal and the one or more control signals.

transmitter station one or more control signals which at the receiver station operate to communicate the instruct signal to a specific processor; and

(3) transferring said one or more control signals to the transmitter, said transmitter transmitting the instruct signal and the one or more control signals.

Comparison of claim 11 from Serial No. 08/477,805 to claim 25 from Serial No. 08/449,523.

Claim 11	Claim 25
A method of controlling a remote television transmitter station to communicate television program material to one or more receiver stations, with said remote television transmitter station including a broadcast or cablecast transmitter for transmitting one or more units of television programming, a plurality of selective transmission devices each operatively connected to said broadcast or cablecast transmitter for communicating a unit of television programming, a television receiver, a control signal detector, and a controller or computer capable of controlling one or more of said selective transmission devices, and with said remote transmitter station adapted to detect the presence of one or more control signals, to control the communication of specific units of television programming in response to detected specific control signals, and to deliver at	A method of controlling a remote television transmitter station to communicate television program material to one or more receiver stations, with said remote television transmitter station including a broadcast or cablecast transmitter for transmitting one or more units of television programming, a plurality of selective transmission devices each operatively connected to said broadcast or cablecast transmitter for communicating a unit of television programming, a television receiver, a control signal detector, and a controller or computer capable of controlling one or more of said selective transmission devices, and with said remote transmitter station adapted to detect the presence of one or more control signals, to control the communication of specific units of television programming in response to detected specific control signals, and to deliver at

its broadcast or cablecast transmitter one or more units of television programming, said method of communicating comprising the steps of:

(1) receiving a unit of television programming to be transmitted by the remote intermediate television transmitter station and delivering said unit of television programming to a transmitter;

(2) receiving one or more control signals which at the remote intermediate television transmitter station operate to control the communication of ***a specific one or more of said plurality of units*** of television programming; and

(3) transmitting said one or more control signals to said transmitter before a specific time.

its broadcast or cablecast transmitter one or more units of television programming, said method of communicating comprising the steps of:

(1) receiving a unit of television programming to be transmitted by the remote intermediate television transmitter station and delivering said unit of television programming to a transmitter, ***said unit of television programming having an instruct signal which is effective at the one or more receiver stations to implement a television signalling scheme***;

(2) receiving one or more control signals which at the remote intermediate television transmitter station operate to control the communication of ***said unit*** of television programming; and

(3) transmitting said one or more control signals to said transmitter before a specific time.